

EDMUND G. BROWN, JR.
GOVERNORMATTHEW RODRIGUEZ
SECRETARY FOR
ENVIRONMENTAL PROTECTION**Los Angeles Regional Water Quality Control Board**

June 19, 2013

Mr. Dick Johnson
Home Depot, Western Division
3800 West Chapman Avenue
Orange, California 92868

CERTIFIED MAIL
RETURN RECEIPT REQUESTED
7012 1640 0000 6228 2911

SUBJECT: REQUIREMENT FOR TECHNICAL REPORTS PURSUANT TO CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0088

**SITE: HOME DEPOT FACILITY, 1200 FLOWER STREET, BURBANK, CALIFORNIA 91502
RWQCB FILE NO. 109.0582**

Dear Mr. Johnson:

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) is the public agency with primary responsibility for the protection of ground and surface water quality for all beneficial uses within major portions of Los Angeles and Ventura County, including the referenced property (Site).

The California Regional Water Quality Control Board, Los Angeles Region (Regional Board) staff has reviewed the "2012 Comprehensive Data Analysis Report" and the "Environmental Remediation Systems Monitoring Report," dated July 23, 2012 and November 9, 2012, respectively. These reports summarize the most recent soil investigation and groundwater (i.e., perched groundwater) monitoring investigation and were submitted by Geosyntec Consultants on behalf of Home Depot for the above referenced site. The aforementioned reports were prepared as part of the site assessment and remediation activities that have been conducted on a voluntary basis between Home Depot and the Regional Board, beginning in 2004.

Enclosed is a Regional Board Order for technical report requirements pursuant to California Water Code section 13267 (Order). This order has been issued to complete further site assessment and remediation work of the previous investigations and to complete the determination of the vertical extent of hexavalent chromium in the subsurface soils and groundwater beneath the former facility (Site).

Based on the review of the Regional Board file information, we have determined that the past use of chromium containing compounds in the plating activities conducted by the property owner ITT Industries (ITT) operations may have contributed to onsite soil contamination and to the underlying groundwater underlying the Site. The Regional Board understands that during the 1990s negotiations between Home Depot and ITT resulted in Home Depot assuming responsibility for the assessment and remediation of contamination from the ground surface of the Site to the "fine grained layer (FGL)" which lies approximately 50-feet below ground surface (bgs). ITT assumed the responsibility of contamination from the bottom of the FGL to the underlying groundwater. The separation of these

MARIA MEHRANIAN, CHAIR | SAMUEL UNGER, EXECUTIVE OFFICER

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responsibilities was culminated in an agreement resulting in Home Depot purchasing the Site on June 25, 2004. During this timeframe, the Regional Board has been providing regulatory oversight to Home Depot.

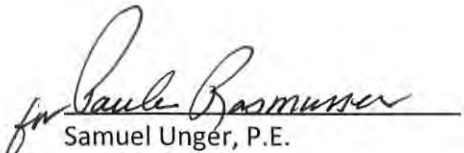
Therefore, as the responsible party for the contamination above the FGL, you are required to comply with the Order and prepare a subsurface soil investigation and remediation work plan for the Site.

The State Water Resources Control Board (State Water Board) adopted regulations requiring the electronic submittals of information over the Internet using the State Water Board GeoTracker database. You are required not only to submit hard copy reports required in this Order but also to comply by uploading all reports and correspondence prepared to date and additional required data to the GeoTracker system. Information about GeoTracker submittals, including links to text of the governing regulations, can be found on the Internet at the following link:

http://www.waterboards.ca.gov/water_issues/programs/ust/electronic_submittal

Should you have any questions related to this project, please contact Mr. Larry Moore via telephone at (213) 576-6730 or via email at lmoore@waterboards.ca.gov.

Sincerely,


Samuel Unger, P.E.
Executive Officer

Attachments: California Water Code Section 13267 Order dated 19 June 2013

cc: Ms. Lisa Hanusiak, USEPA Region 9
Mr. Leo Chan, City of Glendale
Mr. Bill Mace, City of Burbank Water Supply Department
Mr. Vahe Dabbaghian, Los Angeles Department of Water & Power
Mr. Milad Taghavi, Los Angeles Department of Water & Power
Mr. Richard Slade, ULARA Watermaster
Ms. Karen Kosiarek, Geosyntec Consultants
Ms. Mital Desai, Geosyntec Consultants

Los Angeles Regional Water Quality Control Board

**ORDER TO PROVIDE A TECHNICAL REPORT FOR
SUBSURFACE SOIL AND GROUNDWATER INVESTIGATION AND REMEDIATION
CALIFORNIA WATER CODE SECTION 13267 ORDER NO. R4-2013-0088**

DIRECTED TO HOME DEPOT

**FORMER ITT INDUSTRIES FACILITY LOCATED AT 1200 FLOWER STREET, BURBANK, CALIFORNIA
(WIP FILE NO. 109.0582)**

The Regional Water Quality Control Board, Los Angeles Region (Regional Board) makes the following findings and issues this Order pursuant to California Water Code (CWC) section 13267.

1. The groundwater within the San Fernando Valley Groundwater Basin (Basin) has been impacted by discharges of heavy metals, specifically chromium. The San Fernando Valley Superfund Site (Superfund Site) lies within the Basin. The United States Environmental Protection Agency (USEPA) and the Regional Board are investigating the potential sources of the discharges to the Basin. The agencies are currently focused on identifying individuals and companies responsible for the discharges of chromium in the Basin and holding them responsible for the investigation and remediation of the site that are sources of chromium. The property at 2980 North San Fernando Boulevard in the City of Burbank, California (Site) is a potential source of chromium and overlies the Basin.
2. The property's address is 1200 Flower Street, Burbank, California (Site) and is approximately 11 acres in size. The Site is located in a mixed light industrial and commercial area in the San Fernando Valley. The Site was developed in the 1940s by General Controls, which was purchased by ITT Industries (ITT) in 1963. Thereafter the Site became known as ITT General Controls and was used primarily for manufacturing thermostats, and pressure control instruments for residential and industrial purposes. Other manufacturing operations included machining, plating, heat-treating and degreasing. ITT Aerospace Controls also operated at the Site and manufactured valve actuators, and switches for commercial, military, and aerospace applications. ITT General Controls relocated elsewhere in 1986, and by the end of 1994 the entire Site was vacated. The ITT entities are now known as ITT Corporation.

In the 1990s Home Depot entered an agreement with ITT (the Site owner at that time) to purchase the Site. In June 2000 Environmental Strategies Corporation, on behalf of ITT and Home Depot, submitted a Remedial Action Plan (RAP) to the Regional Board for the Site and in 2001 Geosyntec on behalf of Home Depot submitted a Baseline Human Health Risk Assessment. In February 2002 Geosyntec submitted a Basis of Design Report that refined the RAP. Home Depot purchased the Site from ITT in June 2004 and agreed as part of the land purchase agreement to remediate the area known as the shallow zone, which consisted of onsite soil and groundwater occurring above the "Fine Grained Layer (FGL)" that is present at an elevation

of approximately 45 to 55-feet below ground surface. (bgs). ITT maintains responsibility associated with regional groundwater and soil beneath the Site wide FGL as well as certain potential offsite liabilities associated with the Site. Beginning in November 2005 and continuing to the present day, Home Depot has been submitting Monitoring and Reporting reports to the Regional Board, which have provided monthly updates on the Site assessment and remediation activities at the Site.

The Regional Board issued Cleanup and Abatement Order (CAO) R4-2003-0128 to ITT. Information presented in the CAO indicated ITT used and stored heavy metal compounds including chromium (Cr), in a metal plating operation. During the normal business operations, ITT generated hazardous waste and released heavy metals to the soil. These findings were based on Regional Board investigative findings, and subsurface investigations performed by ITT. Data from first encountered groundwater (i.e., perched) monitoring beginning in 1991 indicated hexavalent chromium (CrVI) at 2,620 micrograms per liter ($\mu\text{g/L}$). The historic high CrVI concentration in the groundwater from 1991 through 2004 was reported at 155 milligrams per liter (mg/L). The groundwater is present above the FGL and has continued to be monitored by Home Depot as part of their RAP and agreement between Home Depot and ITT. ITT still conducts monitoring of regional groundwater beneath the FGL as required under the CAO.

Soil data from the following reports entitled *"2012 Comprehensive Data Analysis Report"* and the *"Environmental Remediation Systems Monitoring Report,"* dated July 23, 2012 and November 9, 2012, respectively indicate the following:

- Concentrations of CrVI were detected in 31 of the 180 soil samples collected ranging from trace (detected above the method detection limit but below the practical quantitation limit) to 52 mg/Kg . The Site's soil cleanup level as agreed upon between the Regional Board and Home Depot is 38 mg/Kg .
- Concentrations of Cr detected above the Site soil cleanup level of 38 mg/KG were reported in 10 of the 180 soil samples collected ranging from 3.5 to 287 mg/Kg .
- Maximum concentrations in groundwater samples collected in October 2010 from the perched groundwater indicated Cr and CrVI being detected at 1,870 $\mu\text{g/L}$ and 1,900 $\mu\text{g/L}$, respectively. A comprehensive groundwater monitoring event conducted during the third quarter of 2012 indicated Cr and CrVI to be detected at 3,180 and 3,100, respectively.

3. CWC section 13267(b)(1) states:

"In conducting an investigation specified in subdivision (a), the regional board may require that any person who has discharged, discharges, or is suspected of having discharged or, discharging, or who proposes to discharge waste within its region, or any citizen or domiciliary, or political agency or entity of this state who has discharged, discharges, or is suspected of having discharged or discharging, or who proposes to discharge waste outside of its region that could affect the

quality of waters within its region shall furnish, under penalty of perjury, technical or monitoring program reports which the regional board requires. The burden, including costs, of these reports shall bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. In requiring those reports, the regional board shall provide the person with a written explanation with regard to the need for the reports, and shall identify the evidence that supports requiring that person to provide the reports."

4. The Regional Board has obtained evidence indicating that there is a potential for discharge of waste at or from the Site. Regional Board files indicate that operations at the Site consisted of metal plating process which included the use of chromium and hexavalent chromium. The former ITT facility is among the suspected sources of waste discharge in the USEPA Superfund Site because of the chemicals used and the operations conducted at the Site. It is known that groundwater at the Superfund Site, including the vicinity of the former ITT facility, is polluted with VOCs and heavy metals particularly chromium. To date a complete subsurface investigation of heavy metals in soil and groundwater has not been performed at the Site.
5. In 2004 Home Depot purchased the Site from ITT and assumed the environmental liability of the discharges of waste to the onsite soil and groundwater from the ground surface to the top of the FGL as identified in paragraph two (2). Based on this information, this Order identifies Home Depot as the entity responsible for the assessment and remediation of the potential unauthorized discharger of waste identified in paragraphs two (2) and four (4).
6. This Order requires the persons/entities named herein to prepare and submit a Subsurface Soil and Groundwater Investigation and Remediation Workplan (Workplan) in order to evaluate the conditions at the Site and determine if any discharges of heavy metal compounds, specifically chromium, has impacted the soils beneath the Site from the ground surface to the top of the "Fine Grained Layer (FGL) that could consequently pose a threat to groundwater. You are expected to submit a complete Workplan, as required by this Order, to the Regional Board. The Regional Board may reject the Workplan if it is deemed incomplete and/or require revisions to the Workplan under this Order.
7. The Regional Board needs this information in order to determine whether the Site is a source of discharges of waste, specifically Cr and CrVI to determine whether the subsurface soil conditions at the Site are causing or threatening to cause discharges of waste to the waters of the State within the Basin.
8. The burdens, including costs, of these reports bear a reasonable relationship to the need for the reports and the benefits to be obtained from the reports. The information is necessary to identify sources of discharges of waste to the Basin and to assure adequate cleanup of the Home Depot facility, which as described above potentially poses significant threats to public health and the environment.
9. The issuance of this Order is an enforcement action by a regulatory agency and is categorically exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to

section 15321(a)(2), Chapter 3, Title 14 of the California Code of Regulations. This Order requires submittal of technical and/or monitoring reports and work plans. The proposed activities under the work plans are not yet known. It is unlikely that implementation of the work plans associated with this Order could result in anything more than minor physical changes to the environment. If the implementation may result in significant impacts on the environment, the appropriate lead agency will address the CEQA requirements prior to implementing any work plan.

10. Any person aggrieved by this action of the Regional Board may petition the State Water Resources Control Board (State Board) to review the action in accordance with Water Code section 13320 and California Code of Regulations, title 23, sections 2050 and following. The State Water Board must *receive* the petition by 5:00 p.m., 30 days after the date of this Order, except that if the thirtieth day following the date of this Order falls on a Saturday, Sunday, or state holiday, the petition must be received by the State Water Board by 5:00 p.m. on the next business day. Copies of the law and regulations applicable to filing petitions may be found on the Internet at:

http://www.waterboards.ca.gov/public_notices/petitions/water_quality

or will be provided upon request.

THEREFORE, IT IS HEREBY ORDERED that Home Depot, pursuant to section 13267(b) of the CWC, is required to submit the following:

1. Submit a Subsurface Soil and Groundwater Investigation and Remediation Work Plan (Work Plan) to the Regional Board by **September 19, 2013**. Guidance documents to assist you with this task can be found on the Internet at the following links:

"General Work Plan Requirements for a Heavy Metal Soil Investigation"

[http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/General
Workplan_Requirements_for_a_Heavy_Metals_Soil_Investigation.pdf](http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/General_Workplan_Requirements_for_a_Heavy_Metals_Soil_Investigation.pdf)

"Interim Site Assessment & Cleanup Guidebook (May1996),"

[http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/may1996_vo
c_guidance.shtml](http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/may1996_vo
c_guidance.shtml)

"Quality Assurance Project Plan"

[http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/Board_SGV-
SFVCleanupProgram_Sept2008_QAPP.pdf](http://www.waterboards.ca.gov/losangeles/water_issues/programs/remediation/Board_SGV-
SFVCleanupProgram_Sept2008_QAPP.pdf)

2. The work plan shall include detailed information of former and existing chromium storage, hazardous waste management, and associated practices.

3. The work plan must also include proposed soil sampling borings locations which shall extend to a minimum depth of 25-feet bgs in the areas of the previous plating processes and waste treatment (sumps, clarifiers, etc.), hazardous wastes storage areas, and chemical storage area.
- 4.
5. The work plan shall include an addendum to the Human Health Risk Assessment that was presented in the Human Health Risk Assessment Report dated July 23m 2012.
6. The work plan shall include a confirmation sampling plan to determine post-remediation efforts are completed site-wide assessment and remediation has been completed.
7. The work plan must contain a health and safety plan (HASP), as per the guidelines.

Each of the above items shall be submitted to:

Mr. Lawrence Moore
Staff Environmental Scientist
Remediation Section
Los Angeles Regional Water Quality Control Board
320 West 4th Street, Suite 200
Los Angeles, California 90013
Phone: (213) 576-6730
Email: Lawrence.Moore@waterboards.ca.gov.

Pursuant to 13267(a) of the CWC, any person who fails to submit reports in accordance with the Order is guilty of a misdemeanor. Pursuant to section 13268(b)(1) of the CWC, failure to submit the required technical report described above by the specified due date(s) may result in the imposition of administrative civil liability by the Regional Board in an amount up to one thousand dollars (\$1,000) per day for each day the technical report is not received after the above due date. These civil liabilities may be assessed by the Regional Board for failure to comply, beginning with the date that the violations first occurred, and without further warning.

The Regional Board, under the authority given by CWC section 13267, subdivision (b)(1), requires you to include a perjury statement in all reports submitted under the 13267 Order. The perjury statement shall be signed by a senior authorized Company Name representative (not by a consultant). The perjury statement shall be in the following format:

"I, [NAME], certify under penalty of law that this document and all attachments were prepared by me, or under my direction or supervision, in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations."

Mr. Dick Johnson
Former ITT Industries (Home Depot), Burbank, CA

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June 19, 2013

The State Water Board adopted regulations requiring the electronic submittals of information over the internet using the State Water Board GeoTracker data management system. You are required not only to submit hard copy reports required in this Order, but also to comply by uploading all reports and correspondence prepared to date on to the GeoTracker data management system. The text of the regulations can be found at the URL:

http://www.waterboards.ca.gov/ust/cleanup/electronic_reporting/docs/final_electronic_regs_dec04.pdf.

SO ORDERED.

fw *Paul Rasmussen*
Samuel Unger, P.E.
Executive Officer

6-19-2013
Date